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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,486	08/02/2000	Jorg Arnold	4691-128	5816

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EXAMINER

ORGAD, EDAN

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 10/23/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

SJ

Office Action Summary	Application No.	Applicant(s)	
	09/601,486	ARNOLD, JORG	
	Examiner	Art Unit	
	Edan Orgad	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 August 2000.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 17-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 17-27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 2/5/98. It is noted, however, that applicant has not filed a certified copy of the 198_04_336.8 application as required by 35 U.S.C. 119(b).

Drawings

The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81. No new matter may be introduced in the required drawing.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).

"Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(e) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 17 recites the limitation "payment of charger" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 17, it is unclear what is meant, "... the information carrier is arranged in a transmission means, and wherein within the scope of the payment procedure....".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emery et al (US Patent # 5,727,057) in view of Michaels et al (US Patent # 6,453,167).

Regarding claims 17 and 21, *as best understood by examiner and in view of the 35 USC 112 rejection above*, Arnold teaches a method of creating an address directory from address data of subscribers in a decentralized radio network (see abstract), wherein the address data comprise a subscriber identification and a position identification allocated to the subscriber, which are made available to the other subscribers, wherein simultaneously with the payment of charges for the use of the decentralized radio network, the position identification of the subscriber is transmitted from the subscriber to a financial institution serving as a data acquisition station (element 104) for creating the address directory (column 2, lines 16-49). However Emery fails to specifically disclose the transmission occurs via an information carrier comprising a memory, while the information carrier is arranged in a transmission means, and wherein within the scope of the payment procedure, the financial institution debits an account of the subscriber accordingly. However, in the same field of endeavor, Michaels teaches transmission via an information carrier comprising a memory (such as a SIM card) where while the SIM card is utilized, and within the scope of payment procedures (read as, subscriber identity information read from the SIM card gives the company immediate customer billing details such as a name and address, column 3, lines 37-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Michaels' method of utilizing a SIM card with Emery's invention in order to allow customers the mobility and agility that a SIM card provides.

Regarding claim 18, Emery teaches the transmission of the position identification occurs automatically (column 2, lines 27-33).

Regarding claim 19, Emery teaches the data acquisition station creates the address directory (column 3, lines 25-65).

Regarding claim 20. Emery teaches the data acquisition station retransmits the address data to a third party for creating the address directory (column 3, lines 51-59).

Regarding claim 22, Emery fails to the transmission means is an automatic teller machine. However, official notice is taken, that the use of an automatic teller machine is notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an automatic teller machine with Emery's invention in order to increase the location areas in which a subscriber may be interested in making a call.

Regarding claim 23, Michaels teaches the transmission means comprises a write/read unit for the memory (column 5, lines 5-8).

Regarding claim 24, Emery teaches the transmission of the position identification occurs via a radio link with the data acquisition station (column 3, lines 59-65).

Regarding claims 25 and 26, Emery in view of Michaels fail to specifically disclose the transmission of the position identification occurs by optics, preferably via an infrared link with the data acquisition station or ultrasound link. However, official notice is taken, that the use of optics and ultrasound links are notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use optics or ultrasound links with Emery's invention because optics provide a more accurate and reliable medium for transmission.

Regarding claim 27, Emery teaches the position identification transmitted by the paying subscriber comprises both the position identification of the paying subscriber and the position identification of one or more other subscribers (column 6, lines 46-67).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 703-305-4223. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Edan Orgad

Edan Orgad
October 16, 2002

Nguyen Vo
10/19/02

NGUYEN T. VO
PRIMARY EXAMINER